

10/791,124 Response C

REMARKS**Introduction:**

In this non-final action, claims 3-13 and 16-19 were considered on the merits.

The claims were rejected. There were objections to the drawings filed Feb. 20, 2008. There were objections to the specification.

In this Response C, the drawings, specification and claims are amended to place the instant application in condition for allowance. A notice of allowance is respectfully requested.

Amendments to the claims:

Currently amended independent claim 3 recites a luggage case with external wheel having a *flat* outer surface (all seen in the drawing, flatness also implicit in the application of flat material to wheel outer surface shown generally in figures) and a sheet sized and shaped to fit said outer surface of the wheel (described in original paragraph 0001, first two lines) having a first adhesive surface and a second, opposite adhesive surface (described by original paragraph 0001). Currently amended claim 3 also recites a personally selected item, adherable to said second adhesive surface, bearing an image includes a photograph, school colors, or a flag, as stated in previously amended claims 6 and 7.

Dependency of claims 5-6 from independent claim 3 is unchanged. Language of claims 5-6 is unchanged.

Claim 7 is canceled.

Dependency and language of claim 8 are unchanged.

Claims 9-15 are canceled.

Presently amended claim 16 recites an external wheel operatively attached to the luggage case, the wheel having a *flat* outer surface; and a sheet, sized and shaped to fit the outer surface of the wheel, having a first adhesive surface and a second, opposite adhesive surface (as described in original paragraph 0001).

Dependency of claims 17-19 is unchanged. No new matter is added.

Detailed response to Examiner's Action:

Responsive to Examiner's paragraphs 1-2, drawing: the replacement drawing sheet is labeled as such and contains no description.

Responsive to Examiner's paragraph 3, description: the reference numbers 4, 5, 6, and 7 are added.

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Responsive to Examiner's paragraph 4 concerning non-elected invention: claims 14-15 are cancelled. Responsive to Examiner's paragraph 5, rejection over Miles and Connell: New claim 3 recites a sheet, sized and shaped to fit said outer surface of said wheel, having a first adhesive surface and a second, opposite adhesive surface; and also a personally selected item, adherable to said second adhesive surface, bearing an image includes a photograph, school colors, or a flag. Miles' identifying sheets of six adhesive labels are a different structure, functioning to identify the luggage, not a personally selected item such as a photograph, school colors, or a flag, which is contrastingly a personal expression of the owner. Connell describes a way of applying a decorative vehicle wheel cover, not the flat variety of luggage wheel cover of the present invention. The inventor believes that together, these two patents do not suggest the combination of luggage and adherable personally selected item such as a photograph, school colors or a flag in the present invention. The inventor believes that presently amended claim 3 and its dependent claims should be allowed.

Responsive to Examiner's paragraph 6, rejection over Chen: presently amended claim 16 recites a flat outer surface for the wheel, a personally selected item, adherable to said second adhesive surface, bearing an image includes a photograph, school colors, or a flag, and "a flap, formed in said front, openable to provide access from outside said luggage case proximate said top, through said front of said luggage case, to said interior." The inventor believes Chen does not support the rejection of presently amended 16 and its dependent claims.

Responsive to Examiner's paragraph 7, rejection over Grebenstein: the argument above as to Chen applies likewise. Grebenstein shows many zippers and compartments but unlike the present invention does not have a standard primary zippered entry and then a secondary zippered opening which is through the primary zippered cover allowing access to the interior of the luggage case as shown in the drawing figures.

Responsive to Examiner's paragraph 8, rejection over Chen, Miles and Connell: the arguments as to presently amended claim 16 above are repeated as to this rejection. The present invention is not suggested by combining the Chen zippered compartment with the Miles or Connell identification/beautification features.

Responsive to Examiner's paragraph 9, rejection over Chen and Defreitas: the present invention serves the purpose of personal expression on a flat wheel of luggage and not, as pointed out in Defreitas, identifying and beautifying a vehicle wheel to which it is attached via clips.

AMENDMENTS TO THE DESCRIPTION

In the brief description of the drawing, delete original paragraphs 0003-0004 and insert the following two replacement paragraphs and one new paragraph (please renumber subsequent paragraphs):

FIG. 1 is a perspective view of the embodiment of the invention showing a luggage case with a photograph affixed to the outer side of the wheel;

FIG. 2 is a front elevational view of a luggage case with a conventional pocket affixed to the outer side of the upper half of the cover of the luggage case for storage of documents etc.; and

FIG. 3 is an exploded rear elevational view of a double-sided adhesive sheet and protective material shown with the wheel in accordance with the present invention.

In the description, delete original paragraph 0006 and insert the following replacement paragraph (please renumber subsequent paragraphs):

As shown in the drawings FIG. 2, a preferred embodiment of the invention shows a front view of luggage case 1 with a conventional small pocket 2 in the upper half of luggage case 1 and a broken line 3 defining the zippered access in the front or cover of closed luggage case 1. When zipper 3 is unzipped it provides access to the interior of luggage case 1 through the closed cover of luggage case 1.

In the description, after original paragraph 0006 insert the following new paragraph:

Figure 3 is an exploded side view of the sheet 5 sized to fit the outer surface of the wheel 4 with adhesive and protective material on both sides and ready to adhere to the outer surface of wheel 4 when the protective material 7 has been removed and an image applied. The protective material 6 is then removed from sheet 5 and sheet 5 is adhered to the outer surface of wheel 4.

Conclusion:

Having amended the drawing, description and claims, the Applicant believes the instant application to be in condition for allowance. No new matter is added. A notice of allowance is respectfully requested. Should the examiner find that any matter herein calls for revision or clarification, the Applicant requests the courtesy of a telephonic interview.

Respectfully submitted,

11/24/08
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